

ORDINANCE NO. 87-22

1 AN ORDINANCE AMENDING ORDINANCE NO. 78-5 ENTITLED
2 THE ENVIRONMENTAL CONTROL ORDINANCE, AS AMENDED BY
3 ORDINANCES 79-15, 85-25 AND 85-43; AMENDING SECTION
4 4 TO PROVIDE FOR HEALTH DEPARTMENT PERMITS,
5 LICENSES AND APPROVALS; AMENDING SECTION 7 TO
6 PROVIDE FOR FEES; REPEALING CONFLICTING LAWS;
7 PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION
8 IN CODE; PROVIDING FOR EFFECTIVE DATE.

9 WHEREAS, the Palm Beach County Environmental Control Act,
10 Chapter 77-616, Special Acts, Laws of Florida, authorizes the Palm
11 Beach County Board of County Commissioners, acting as the Palm Beach
12 County Environmental Control Board, to adopt, revise and amend
13 appropriate ordinances and rules necessary to insure sanitary practices
14 and to provide for an environment free of contaminants or harmful
15 agents; and

16 WHEREAS, in order to monitor and control practices which
17 impact upon sanitation and the environment, the Board recognizes that
18 certain activities must be permitted, licensed, inspected and
19 regulated; and

20 WHEREAS, Chapter 77-616 authorizes the Board to establish
21 a schedule of fees to cover the cost of issuing permits, conducting
22 inspections and performing other similar services; and

23 WHEREAS, pursuant to Chapter 77-616, Palm Beach County
24 currently has in effect an Environmental Control Ordinance, Ordinance
25 78-5, as amended by Ordinances 79-15, 85-25 and 85-43, which provides
26 for a schedule of fees to cover the costs of issuing permits and
27 approvals, performing inspections, reviewing plans and sites and
28 performing other services in order to insure sanitary practices and to
29 protect the environment; and

30 WHEREAS, certain fees must be increased to reflect the
31 Health Department's increased costs in performing these services; and

32 WHEREAS, certain fees must be established to pay for the
33 costs of increased demands for services which were previously performed
34 without a fee; and

1 WHEREAS, in order to better allocate such costs to the
2 actual users of the permits, licenses, approvals, inspections, plan and
3 site reviews, and other services, rather than to tax the general
4 public, the Board of County Commissioners has determined it equitable
5 and in the public interest to establish the following fees for said
6 services; and

7 WHEREAS, in order to insure payment of fees for said
8 services, the Board of County Commissioners deems it appropriate to
9 require permits, licenses or written approval for certain activities.

10 NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
11 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ACTING AS THE PALM BEACH
12 COUNTY ENVIRONMENTAL CONTROL BOARD, that:

13 Part I. Section 4 entitled "Palm Beach County Health Department
14 Approval Required" of Ordinance 78-5 is hereby deleted and a new
15 Section 4 is substituted as follows:

16 SECTION 4. PALM BEACH COUNTY HEALTH DEPARTMENT PERMITS, LICENSES AND
17 APPROVALS

18 A. The following construction activities shall require
19 written approval by the County Health Director or his authorized agent:

- 20 1. Community Water Treatment Plants
- 21 2. Community Wells
- 22 3. Sewage Treatment Plants with Capacity of 0.5
23 MGD* and Above
- 24 4. Industrial Wastewater Treatment Systems
- 25 5. Air Pollution Sources
- 26 6. Open Burning Sites
- 27 7. Solid and Hazardous Waste Facilities
- 28 8. Construction in or over Surface Waters

29 B. The following activities shall require Palm Beach
30 County Health Department permits:

- 31 1. On-site Sewage Disposal Systems

32 * Million Gallons Per Day

- 1 2. Non-Community and Semi-Public Water Supply
- 2 Systems
- 3 3. Semi-Public Wells
- 4 4. Sewage Collection Systems
- 5 5. Sewage Treatment Plants with Capacity of Under
- 6 0.5 MGD
- 7 6. Mangrove Alterations

8 C. The following operational activities shall require
9 Palm Beach County Health Department licenses:

- 10 1. Food Establishments
- 11 2. Family Day Care Facilities
- 12 3. Child Care Facilities
- 13 4. Private Schools
- 14 5. Air Pollution Sources
- 15 6. Water Treatment Plants
- 16 7. Sewage Treatment Plants
- 17 8. Industrial Wastewater Treatment Systems
- 18 9. Solid Waste Facilities, Sludge Disposal Sites,
- 19 Septage Handling Facilities and Transfer Stations
- 20 10. Hazardous Waste Generators
- 21 11. Septic Tank Manufacturers

22 D. No permit, license or approval shall be issued until
23 the County Health Director or his authorized agent determines that:

- 24 1. the activity will not adversely affect human
- 25 health and welfare, plant or animal life, and
- 26 the reasonable enjoyment of life, property or
- 27 the conduct of business; and
- 28 2. the activity complies with the requirements
- 29 contained in the applicable statutes, special
- 30 acts and rules adopted in Section 2 of this
- 31 Ordinance. Compliance may be determined by the
- 32 last recorded inspection.

1 E. Unless otherwise provided by ordinance or rule or
2 specified by the license, every license shall expire on December 31 of
3 each year or on change of ownership and shall be renewable annually.
4 Construction permits and written approvals shall be valid for the
5 duration of the activity for which they are issued.

6 F. No permit, license or written approval shall be
7 issued until all fees have been paid.

8 G. The fee for an annual license issued to a new
9 activity after June of a particular year shall be pro-rated on a
10 quarterly basis.

11 Part II. Section 7 entitled "Fee Schedule" of Ordinances 78-5, 85-25
12 and 85-43 is hereby deleted and a new Section 7 is substituted as
13 follows:

14 Section 7. FEE SCHEDULE

15 The following schedule of fees is hereby adopted to
16 supplement the costs of issuing permits, licenses and approvals;
17 performing inspections; reviewing plans and sites and performing other
18 services in the administration of this Ordinance and the Environmental
19 Control Act. These non-refundable fees shall be paid to the Palm Beach
20 County Health Department. Fees for plan review, construction permits,
21 site evaluation, appeals and local written approval shall be paid at
22 the time of application. Fees for annual licenses shall be paid prior
23 to the expiration of the existing license.

24 A. Annual License Fees

25 1. Food Establishments

26 a. Food Service

27	(1) Take Out Only	\$ 135.00
28	(2) 1 - 49 Seats	\$ 205.00
29	(3) 50 - 149 Seats	\$ 275.00
30	(4) 150 Seats and Over	\$ 340.00
31	(5) Food Service Located in Lodging (DBR)	\$ 105.00
32	(6) Mobile Food Service Vehicles (each)	\$ 105.00
33	(7) Temporary Food Service	\$ 25.00

1	b. Food Processing Plants	\$ 315.00
2	c. Food Outlets	\$ 105.00
3	d. Limited Food Outlets. These are outlets	\$ 50.00
4	which handle prepackaged food only.	
5	e. Abattoirs	\$ 235.00
6	f. Rendering Plants	\$ 420.00
7	2. Family Day Care/Child Care License	
8	a. Family Day Care 1-5 Children	\$ 25.00
9	b. Child Care 6-25 Children	\$ 25.00
10		
11		26 Children and more \$ 1.00
12		per child
13		as indicated
14	3. Private Schools	on license
15	a. 1 - 49 Children	\$ 105.00
16	b. 50 Children and more	\$ 210.00
17	4. Air Pollution Activities	
18	a. Fuel Burning Equipment (Excluding Incinerators)	
19	(1) Less than 100 MBTU*	\$ 100.00
20	(2) 100 MBTU or greater	\$ 360.00
21	b. Incinerator Equipment	\$ 175.00
22	c. Asphaltic Concrete Batch Plants	\$ 260.00
23	d. Concrete Batch and Block Plants	\$ 150.00
24	e. Other Significant Sources	\$ 100.00
25	5. Water Supply Systems	
26	a. Up to and including 0.1 MGD**	\$ 300.00
27	b. Over 0.1 MGD up to and including 0.3 MGD	\$ 950.00
28	c. Over 0.3 MGD up to and including 1.0 MGD	\$1,250.00
29	d. Over 1.0 MGD up to and including 5.0 MGD	\$1,750.00
30	e. Over 5.0 MGD	\$2,500.00

31 *Million British Thermal Units Per Hour

32 **Million Gallons Per Day

1	6. Sewage Treatment Facilities	
2	a. Up to and including 0.05 MGD	\$ 950.00
3	b. Over 0.05 MGD up to and including 0.3 MGD	\$1,200.00
4	c. Over 0.3 MGD up to and including 1.0 MGD	\$1,600.00
5	d. Over 1.0 MGD up to and including 3.0 MGD	\$1,800.00
6	e. Over 3.0 MGD	\$2,150.00
7	7. Industrial Wastewater Treatment Facilities	\$ 250.00
8	8. Solid Waste/Sludge/Septage Disposal	
9	a. Solid Waste Disposal Sites (Landfills)	
10	(1) Class I	\$ 2,300.00
11	(2) Class II	\$1,250.00
12	(3) Class III	\$ 575.00
13	b. Solid Waste Transfer Station	\$ 800.00
14	c. Sludge Disposal Sites	
15	(1) Less than 50 acres	\$3,750.00
16	(2) 50 acres or greater	\$3,750.00
17		plus \$2.00
18		for each acre
19		over 50 acres
20	(3) Compost Site	\$1,750.00
21	d. Septage Handling Facility	\$ 300.00
22	e. Septage Vehicle (per vehicle)	\$ 300.00
23	9. Hazardous Waste Generators.	
24	a. 100 kg*/month but less than 1000 kg/month	\$ 100.00
25	b. 1000 kg/month or greater	\$ 200.00

26 * Kilograms

1	10. Septic Tank Manufacturers	\$ 55.00
2	B. Plan Review Fees. Fee applies to new or remodeled facilities.	
3	1. Food Service Establishments	
4	a. 0 - 49 Seats	\$ 50.00
5	b. 50 Seats and more	\$ 100.00
6	2. Food Processing Plants	\$ 100.00
7	3. Food Outlets	\$ 50.00
8	4. Child Care Facilities	\$ 50.00
9	5. Private Schools	\$ 50.00
10	6. Labor Camps	\$ 50.00
11	7. Mobile Home & Recreational Vehicle Parks	\$ 50.00
12	8. Hospital Food Service	\$ 100.00
13	9. Bottled Water Plants	\$ 50.00
14	10. Approval of Building Plans not	
15	Specified in B 1-9 Above	\$ 10.00
16	C. Permit Fees	
17	1. Permits for On-Site Sewage Disposal Systems	
18	a. Subdivision Application	
19	(1) 3 - 25 lots	\$ 200.00
20	(2) 26 - 50 lots	\$ 250.00
21	(3) More than 50 lots	\$ 300.00
22	b. Application for Individual Lot	
23	(1) Residential	
24	(a) Standard System	\$ 75.00
25	(b) Mound System	\$ 100.00
26	(c) Automatic Dosing System	\$ 150.00
27	(2) Commercial	
28	(a) Standard System	\$ 100.00
29	(b) Mound System	\$ 125.00
30	(c) Automatic Dosing System	\$ 250.00

1	(3) Repair Permit	\$ 50.00
2	2. Permits for Construction of Water Supply	
3	Systems	
4	a. Non-Community Water Treatment Plant	\$ 200.00
5	b. Semi-Public Well	\$ 100.00
6	c. Water Distribution Systems	
7	(1) Mains 6" or larger	\$0.05/Linear ft.
8	(2) Mains less than 6"	\$0.03/Linear ft.
9	(3) Minimum Charge	\$ 25.00
10	3. Sewerage	
11	a. Sewage Collection/Transmission	
12	System	
13	(1) Sewer Line	\$0.05/Linear ft.
14	(2) Pump Station/Force Main	\$ 250.00
15	b. Sewage Treatment Plant	
16	Construction with capacity of under 0.5 MGD	
17	(1) New	\$ 400.00
18	(2) Modifications	\$ 250.00
19	4. Mangrove Permit	
20	a. 0.1 acre or less	\$ 50.00
21	b. Greater than 0.1 acre	\$ 100.00
22	D. Fees for Local Written Approval*	
23	1. Community Water Treatment Plant	
24	Construction	
25	a. New	\$ 500.00
26	b. Modification	\$ 350.00
27	2. Community Well Site Evaluation	\$ 125.00
28	3. Approval of On-Site Sewage Disposal Systems	
29	Previously in Use	\$ 30.00
30	4. Construction of Sewage Treatment Plant	
31	0.5 MGD and above	
32	a. New	\$ 500.00
33	b. Modification	\$ 400.00

*The fee for an activity in this category which is also permitted by the Florida Department of Environmental Regulation (DER) shall be reduced by the amount charged by DER, provided that the service performed by the Palm Beach County Health Department is identical to that performed by DER.

1	5. Construction of Industrial Wastewater	
2	Treatment Facility	\$ 200.00
3	6. Air Pollution Sources	
4	Construction	
5	a. Potential Emissions of Any One Pollutant	
6	less than or equal to 100 tons per year	\$ 70.00
7	b. Potential Emissions of Any One Pollutant	
8	greater than 100 tons per year	\$ 110.00
9	7. Open Burning Site Evaluation	
10	a. Less than 50 acres for each parcel cleared**	\$ 60.00
11	b. 50 - 100 acres for each parcel cleared**	\$ 100.00
12	c. Greater than 100 acres for each parcel	
13	cleared**	\$ 150.00
14	8. Solid Waste Facility Construction	
15	a. Resource Recovery Plant	\$ 250.00
16	b. Class I Landfill	\$ 150.00
17	c. Class II Landfill	\$ 150.00
18	d. Class III Landfill	\$ 100.00
19	e. Transfer Station	\$ 100.00
20	f. Modification of Permit	\$ 100.00
21	g. Closure Approval for Landfills	\$ 100.00
22	9. Hazardous Waste Facility Construction	\$ 150.00

23 **Open burning activities that are conducted off-site shall be
24 assessed for each parcel of land that is cleared.

1	10. Construction in or over Surface Water	
2	a. Dockage	
3	(1) 500 sq. ft. or less	\$ 100.00
4	(2) 501 sq. ft. to 1000 sq. ft.	\$ 150.00
5	(3) 1001 sq. ft. to 10,000 sq. ft.	\$ 300.00
6	(4) 10,001 sq. ft. and larger	\$ 500.00
7	b. Dredge and Fill	
8	(1) 100 cubic yards or less	\$ 100.00
9	(2) 101 cubic yards to 10,000 cubic yards	\$ 200.00
10		plus \$0.03
11		for each
12		cubic yard
13	(3) Over 10,000 cubic yards	\$ 500.00
14		plus \$0.03
15		for each
16		cubic yard
17	c. Bulkheads	
18	(1) 30 lineal feet or less	\$ 85.00
19	(2) 31 to 500 lineal feet	\$ 200.00
20	(3) 501 lineal feet or more	\$ 575.00
21	E. Fees for Miscellaneous Services	
22	1. Alcoholic Beverage Certification	\$ 25.00
23	2. Re-inspection of Food Establishment	\$ 35.00
24	3. Food Establishment Training Course	\$ 10.00
25	4. Approval of Temporary Events i.e.	
26	Carnivals, Circus Festival Cook-Outs,	
27	Revivals, etc.	\$ 25.00
28	5. Water Sample for Bacteriological Analysis	\$ 25.00
29	6. Microwave Oven Test	\$ 25.00
30	7. Appeals from Environmental Control Rule I	
31	(a) Single Family Residence	\$ 100.00
32	(b) All others, including, but not limited	
33	to multiple family, commercial, or	
34	subdivisions.	\$ 125.00

1	8. Appeals from Environmental Control Rule II	\$ 100.00
2	9. Appeals from Ordinance No. 81-18	\$ 50.00
3	10. Reinspection of Construction Which Fails to Comply	
4	with Initial Inspection:	
5		
6	(a) Septic Tank System	\$ 35.00
7	(b) Non-Community System	\$ 45.00
8	(c) Other Regulated Facilities	\$ 55.00
9	11. Reissuance of License Pursuant to Change of	
10	Ownership	\$ 25.00
11	12. Duplicate License	\$ 2.00
12	13. Copies of Reports or Other Information from	
13	Files (per page)	\$ 0.25
14	14. Copies of Laws and Regulations	\$ 3.00
15	15. Certification of Septic Tank and/or Private	
16	Well for Lending Institutions	\$ 10.00

17 REPEAL OF LAWS IN CONFLICT

18 All local laws and ordinances applying to Palm Beach
19 County in conflict with any provisions of this Ordinance are hereby
20 repealed.

21 SEVERABILITY

22 If any section, paragraph, sentence, clause, phrase, or
23 word of this Ordinance is for any reason held by the Court to be
24 unconstitutional, inoperative or void, such holding shall not affect
25 the remainder of this Ordinance.

26 INCLUSION IN THE CODE OF LAWS AND ORDINANCES

27 The provisions of this Ordinance shall become and be made
28 a part of the code of laws and ordinances of Palm Beach County,
29 Florida. The Sections of the Ordinance may be renumbered or relettered
30 to accomplish such, and the word "ordinance" may be changed to
31 "section," "article," or any other appropriate word.

1 EFFECTIVE DATE

2 The provisions of this Ordinance shall become effective
3 upon receipt of acknowledgement by the Secretary of State, but shall
4 in no case become effective until twenty (20) days after the filing of
5 this Ordinance with the Clerk of the Board of County Commissioners.

6 APPROVED AND ADOPTED by the Board of County Commissioners
7 of Palm Beach County, Florida, acting as the Palm Beach County
8 Environmental Control Board, on the 29th day of September, 19 87.

9 PALM BEACH COUNTY, FLORIDA, BY ITS
10 BOARD OF COUNTY COMMISSIONERS

11 BY [Signature]
Chair

12 APPROVED AS TO FORM AND
13 LEGAL SUFFICIENCY

14 [Signature]
County Attorney

JOHN B. DUNKLE, CLERK
Board of County Commissioners
By [Signature]
DEPUTY CLERK

15 Acknowledgement by the Department of State of
16 Florida, on this, the 8th day of October, 19 87.

17 Acknowledgement from the Department of
18 State received on the 15th day of October, 19 87 at
19 1:12 P.M., and filed in the Office of the Clerk of the Board of
20 County Commissioners of Palm Beach County, Florida.

EFFECTIVE DATE: October 20, 1987

10 OCT 5 1987

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, Clerk of the
Board of County Commissioners, do hereby certify this to
be a true and correct copy of the original filed in
my office on 9/29/87
DATED at West Palm Beach, FL on 10/19/87
JOHN B. DUNKLE, Clerk
By: [Signature] Deputy Clerk D.C.